

REMARKS

Upon entry of this amendment, claims 1-13 are pending. Claims 1, 3, and 13 have been amended. Support for the amendments to claims 1, 3, and 13 appears at least at claims 1, 3, and 13, respectively. No new matter has been added by way of this response.

Claim Rejections under 35 U.S.C. § 101

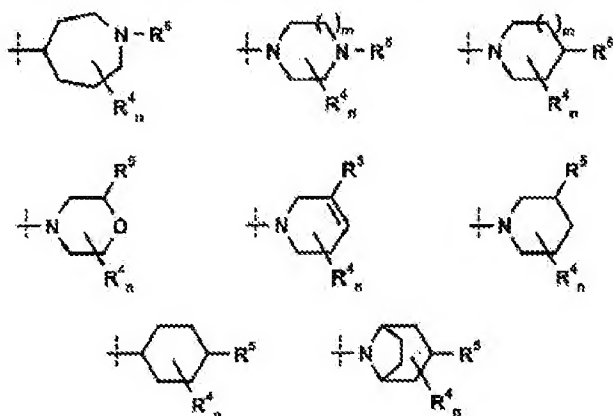
Applicants respectfully request reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. § 101. Claim 13 has been amended to recite "A method of using ...", as suggested by the Office.

Claim Rejections under 35 U.S.C. § 102

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1-10 and 12 under 35 U.S.C. §102(b) as being anticipated by PCT Publications WO 00/78748 to Davies et al. and French Publication No. 2798656 to Malleron et al. and under 35 U.S.C. §102(a) as being anticipated by WO 02/08224 to Davies et al. and WO 02/50040 to Markwell et al.

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires, *inter alia*, that in formula (I), R³ is selected from:



None of the cited references (PCT Publications WO 00/78748 to Davies et al.; French Publication No. 2798656 to Malleron et al.; WO 02/08224 to Davies et al.; and WO 02/50040 to Markwell et al.) teach each and every feature required by claim 1. In each of these references, the group corresponding to R^3 is selected from 6-membered rings having a 1-4-substitution pattern with respect to R^5 , the 6-membered ring having at least one nitrogen atom. In contrast, claim 1 requires m to be selected from 0 or 2, resulting in compounds of claim 1 having only 5- or 7-membered rings of the corresponding cyclic groups (see e.g., claim 1, R^3 line 1, groups 2 and 3). None of the cited references teach such a feature and, as such, claim 1 is not prima facie anticipated by such references. The above argument applies equally to claim 1 and claims dependent thereon or incorporating the features thereof, such as claims 2-10 and 12.

CONCLUSION

Applicants respectfully request withdrawal of the rejections and believe that the claims as presented represent allowable subject matter. If the Examiner desires, Applicants welcome a telephone interview to expedite prosecution. Applicants believe there is no fee due at this time. However, the Commissioner is hereby authorized to charge any applicable fees to Deposit Account No. 19-3140.

Respectfully submitted,

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